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Speech of Dr. Arch Barrett, Hon. John M. Spratt, Jr. of South Carolina In the House of Representatives

Spratt, John M.

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Arthur Ruhl died in 1935 and his files were packed into boxes that went into storage for more than 60 years. I recently came into possession of his papers, which include both articles for *Collier's*, three letters from Orville Wright, and a note from Katherine Wright, the brothers' sister, thanking Arthur for some sweet peas he brought to dinner at the Wrights' home on Hawthorne Street in Dayton.

RECOGNIZING THE CLASS ACT GROUP GRASSROOTS CONFERENCE TO RESTORE THE BROKEN PROMISE OF MILITARY RETIREE HEALTH CARE

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. VAN HOLLEN. Mr. Speaker, I rise today to commend Col. George "Bud" Day and the members of the Class Act Group who have worked so hard to restore health care to America's military retirees. I salute them for their grassroots efforts that helped make Tricare for Life the law of the land, and I commend them for coming together on February 17, 2004, in Fort Walton Beach, Florida, to develop a strategy to convince Congress to make good on more of the broken promises. I especially appreciate their efforts to enact H.R. 3474, the Keep Our Promise to America's Military Retirees Act, a bipartisan bill that I was proud to introduce.

The purpose of the recent meeting takes on a greater urgency because we must prepare to honor a new generation of veterans who have been willing to make the ultimate sacrifice for our country in Iraq and Afghanistan. Our government must be accountable for the promises it makes to young men and women who are asked to serve our country in this way.

Generations of young men and women were recruited into the uniformed services with the promise that health care would be there for them when they retired after serving a career in service. But while these career soldiers put their lives on the line for our country, the government did not keep its end of the contract. Finally, the Courts have laid to rest the matter of who is responsible for making good on those promises—the United States Congress.

The Class Act Group convention is in the best tradition of American democracy—they are joining together to petition their elected representatives to do the right thing and make good on promises the government made to our military retirees. As veterans, they have already set a good example for our young people by protecting our freedoms and rights. And by organizing this grassroots movement they are doing it again by exercising those freedoms and rights.

I send my congratulations to the Class Act Group for a job well done! I will work with CAG and anyone else who shares our goal, to see that Congress does Keep Our Promise to America's Military Retirees.

THE IMPORTANCE OF DUE PROCESS FOR JOSE PADILLA

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. UDALL of Colorado. Mr. Speaker, the Supreme Court has agreed to hear two important cases regarding the balance between national security and the rights of American citizens. And in a February 24th editorial, the Rocky Mountain News clearly explains why we all have a stake in the outcome of the cases involving Yasir Hamdi and Jose Padilla.

While both evidently are American citizens now being held as unlawful combatants, their cases are not identical. As the editorial explains:

Both men are citizens, but the incarceration of Hamdi seems less convincingly a civil-rights incursion than the incarceration of Padilla. While Hamdi deserves his day in court, grabbing a prisoner at the site of armed hostilities in a foreign country is a different matter from picking someone up at a domestic airport.

And, in the words of the editorial, here is the bottom line:

The obvious issue with Padilla is that if the administration can stick him away as long as it likes without an indictment or court proceedings of any kind, why can't it do the same thing with any of us?

Mr. Speaker, that is exactly the point, and exactly why the Padilla case is so important. For the benefit of our colleagues, I am attaching the full text of the editorial.

[From the Rocky Mountain News, Feb. 24, 2004]

PADILLA DESERVES DUE PROCESS—STILL

Some argue the Bush administration was justified in arresting a U.S. citizen and holding him for two years without due process because, after all, he was in league with terrorists. The logical fallacy here is known as begging the question—you assume the conclusion in the proposition.

How can the administration know Jose Padilla was a terrorist intent on mass killings through use of a "dirty" bomb without due process? And if this can be proven, why doesn't the government initiate a trial?

The Supreme Court is now going to take on the question of whether the administration violated the Constitution in holding Padilla, arrested in Chicago after a trip abroad, and Yasir Hamdi, captured in a battlefield in Afghanistan. Both men are citizens, but the incarceration of Hamdi seems less convincingly a civil-rights incursion than the incarceration of Padilla. While Hamdi deserves his day in court, grabbing a prisoner at the site of armed hostilities in a foreign country is a different matter from picking someone up at a domestic airport.

The obvious issue with Padilla is that if the administration can stick him away as long as it likes without an indictment or court proceedings of any kind, why can't it do the same thing with any of us?

It's hard to see how the Supreme Court could side with the administration in the Padilla case, even if a few other presidents, most notably Abraham Lincoln during the Civil War, have gotten away with the suspension of due process. Moreover, there is language both in Article I of the Constitution and the Fifth Amendment that allows exceptions to due process protections when there is a public danger. We simply don't believe that language would be correctly applied to the Padilla situation.

SPEECH OF DR. ARCH BARRETT

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. SPRATT. Mr. Speaker, I rise to enter into the RECORD a speech given by a former staffer of the House Armed Services Committee, Arch Barrett. Arch is one of the most unassuming people I know, but was one of the most remarkable and able staffers I've met during my 20 years on Capitol Hill.

Arch had an undergraduate degree from both the West Point and Harvard, and later got his Ph.D. in political economy and government from Harvard. He entered the Air Force as a second lieutenant in 1957, saw plenty of action in Vietnam, and retired as a colonel in 1981. While in the Air Force, he received the Distinguished Flying Cross, Legion of Merit, Meritorious Service Medal, Air Medal with 12 oak leaf clusters, the Joint Service and Air Force Commendation Medals, and the Vietnam Service Medal.

As distinguished as his military record is, his greatest effect on the military came after he became a staffer for the House Armed Services Committee. If it were not for Arch Barrett, I do not believe Congress would have enacted the Goldwater-Nichols Act. Goldwater-Nichols forced the separate branches of the Armed Services to work cooperatively, and our forces would not be nearly as effective today had it not been for the Goldwater-Nichols Act. The Pentagon fought Goldwater-Nichols tooth and nail, and it took us about 4 years to actually pass the legislation. Whenever the Pentagon raised an objection, we sent Arch Barrett over and he'd argue with the naysayers until they ran out of objections and had to relent. It was a virtuoso performance by someone who had mastered the subject matter.

Arch Barrett is now a professor at the Navy Post-Graduate School in Monterey, still serving his country. He gave the graduation address to the Naval Postgraduate School's Joint Professional Military Education Course in June 2003. In that speech, Arch of course downplayed his own role in establishing Goldwater-Nichols, but did recognize important contributions from several Members of Congress. One of those is a man I, like Arch Barrett, admire—my good friend and colleague from Missouri, the Ranking Democrat on the House Armed Services Committee, Ike Skelton.

I commend Arch's speech to all those with an interest in the founding of the Goldwater-Nichols legislation, and I am proud to enter it into the RECORD.

REFLECTIONS ON LEADERSHIP IN DEFENSE AND PROFESSIONAL MILITARY EDUCATION REFORM
(By Archie D. Barrett)

Sixteen years ago, in 1987, Congressman Les Aspin asked me whether there was an uncompleted task in the area of Defense Department restructuring that could be assigned to Representative Ike Skelton. Aspin was the chairman of the Committee on Armed Services of the U. S. House of Representatives. Skelton was a mid-level Democrat on the Committee who was intensely interested in improving the quality and performance of our Armed Forces. I was a member of Mr. Aspin's Committee staff.

At the time, the Pentagon was making little progress in implementing the education

provisions of the 1986 Goldwater-Nichols Act. The Act required a reassessment and re-vamping of professional military education to assure that it supported the new emphasis on joint military planning and operations. I suggested to Chairman Aspin that Rep. Skelton could provide a signal contribution to the improvement of the nation's armed forces if he could be persuaded to lead a congressional panel charged with bringing PME into line with the goals of the Goldwater-Nichols Act. Subsequently, Rep. Skelton seized on the opportunity and ultimately fathered the significant changes in Professional Military Education that have culminated in your presence here as JPME graduates at the Naval Postgraduate School.

My remarks today will be addressed to the leadership displayed by Rep. Skelton and two other individuals that eventually led to this gathering.

We usually think of a leader as someone who is in charge or who heads an organization. I for one barely qualify. My most extraordinary experience in that regard was leading aircraft on night combat missions in Southeast Asia during the Vietnam War. But the aircrews I commanded came together for only one mission and very little "leadership", as we usually think of it, was involved. On the other hand, many of you in the audience have been, or will be, called upon to lead in the traditional sense. You may rightly ask what I could convey to you on the subject. I certainly asked that question of myself when I began to contemplate this address.

My answer is that I have had the privilege of observing others use their ability, their positions, and their prestige to exert leadership on matters of great importance to our country. Basically, a leader influences other people to behave as he or she wishes. The leaders I will discuss influenced the behavior of hundreds of thousands of members of the armed forces, including you in this audience. It is because of my experience with those men that I can discuss aspects of leadership.

At about the time you graduates were attending high school, I retired from the Air Force and joined the staff of the Armed Services Committee. In February 1982, General David Jones, the nation's most senior military officer, testified that there were fundamental flaws in the structure of the highest military body in our Armed Forces, the Joint Chiefs of Staff—or JCS, as it is often called. He proposed that Congress legislate far-reaching changes.

Gen. Jones was chairman of the JCS. At the time, he was in his late '50s. He was a tall, dark haired, distinguished looking man in his Air Force uniform with the 4 stars on each shoulder.

The general charged that the JCS, a committee consisting of the chiefs of each service, had difficulty making decisions and providing advice to the President from an overall national defense perspective because each chief aggressively pursued the interests of his own service. Moreover, he claimed, the service chiefs had used their positions on the JCS to weaken the field commanders—the CINCs—whose mission it is to plan and conduct military operations. Each service chief wanted to keep as much control of his soldiers, sailors, airmen, or marines as possible. Each chief also sought to maximize his service's budget for tanks, planes, or ships regardless of the needs of the other services. It is no wonder, then, that when the services were called on to work together in military operations, their joint performance was often unsatisfactory.

Most of you in this room are accustomed to hearing of nothing but an unbroken string of military successes during your lifetime. Those of us who are older remember a much

more uneven pattern of military performances. Jones could point to a whole string of flawed military operations to support his allegations.

In Vietnam, the JCS disregarded the principle of unity of command. There were two land chains of command and four air chains of command largely because of each service's sensitivity about placing its forces under the command of a general or admiral of another service.

In 1980, the services were unable to work together in an attempt to rescue American Embassy hostages in Iran. Two aircraft collided on the ground killing several servicemen and dooming the operation. The subsequent investigation revealed gaping disconnects among the services in training for the operation and, once again, flaws in the chain of command.

Going back to World War II, friendly fire from Navy ships shot down Army aircraft during the invasion of Sicily killing paratroopers and aircrews due to inadequate communications and coordination among the services.

Also, in World War II, the Army and the Navy divided the Pacific into two commands, one headed by Gen. MacArthur and the other by Admiral Nimitz, because they could not agree on a unified command structure. The result was a near disaster at Leyte Gulf that could have prolonged the war.

In 1983, a year after Gen. Jones first testified, 241 young servicemen were killed in a terrorist attack on a Marine barracks in Beirut. The investigation revealed glaring inadequacies in the military chain of command that wound its way from the Pentagon through Army, Air Force, and Navy flag officers to the Marine colonel and his unit on the ground.

In that same year, it took over 6000 U.S. troops to defeat 600 Cubans on Grenada. After action reports revealed that inadequate communications among the services hindered naval gunfire and air-to-ground support of the troops in combat.

These and other flawed military operations were not merely unfortunate incidents. As you well know, the price of substandard performance of our armed forces in war is paid in the lives of young Americans.

Obviously, General Jones was raising issues of fundamental importance to the American people. But why did the general voice his criticisms on Capitol Hill? Why did Jones not rely on his Commander-in-Chief to address the problems? One answer is that the administration was not interested. A more fundamental answer involves a fact many people do not realize. The Constitution makes the Congress, not the President, responsible for the organization of the nation's defense. The U. S. House of Representatives delegates oversight of that responsibility to the Committee on Armed Services, and further, to one of its subcommittees.

Representative Richard White, a Democrat from El Paso, was the chairman of the subcommittee responsible for overseeing defense organization in 1982. White was about 70. He was tall and slim. He was soft-spoken. His ruddy complexion reflected the time he had spent in the West Texas sun. His subcommittee focused primarily on investigations—defense contractor fraud, for example. Almost a quarter century had passed since Congress enacted major changes in defense organization. Understandably, Chairman White knew little about the subject. But he was acutely aware that he was responsible for that part of the Constitution that assigned defense organization to Congress.

In April, White convened hearings to determine whether Gen. Jones' criticisms were valid and to ascertain what action Congress should take. The hearings lasted until late

July and covered over 1000 pages. The Reagan Administration strongly opposed reorganization. With few exceptions, the Pentagon witnesses opposed change. On the other hand, many witnesses who had previously served in the Pentagon or White House in high civilian positions sided with Jones. They emphasized that the Joint Chiefs of Staff, as constituted, simply did not and could not provide adequate military advice to the President due to the conflicting service interests that dominated the chiefs' thinking. A number of high-ranking retired military officers also agreed with Jones. Others strongly disagreed.

Mr. White presided over every hearing. Listening to the conflicting views of the witnesses soon provided him the education in defense organization issues that he lacked when the hearings began. He made himself an expert through his perseverance.

Only a few other congressmen, however, attended the hearings regularly. Focusing on defense organization is about as exciting as watching paint dry. Moreover, with the Pentagon leadership and the President adamantly opposed to changes, few legislators felt that the investment of their time would be worth the effort.

At the conclusion of the hearings, Chairman White introduced a bill to reorganize the Joint Chiefs of Staff. He had decided that Jones was right. White's subcommittee approved his bill with few changes. One Congressman stated that he did not know much about the complicated issues addressed in the bill. He could confidently support the bill, he said, because Chairman White had presided over the lengthy hearings and was an expert who knew what must be done.

White presented his bill to the full Committee on Armed Services in August. The Committee approved it and referred it to the House of Representatives. In the fall, with Chairman White leading the debate, the House passed the bill and referred it to the Senate. In December, Mr. White persuaded Senator Tower, a fellow Texan, to hold a hearing on his bill before the Senate Armed Services Committee.

That is the end of my story about Rep. White. Soon after the December hearing Congress adjourned and White's bill died, as do all bills that have not been enacted at the end of each Congress. There was no time for the Senate to consider the legislation. Moreover, Mr. White disappeared from Capitol Hill at the same time. You see, he had long ago decided to retire and did not run for reelection even though he would have had no trouble winning another term. Interestingly, by that time General Jones had also retired. He continued to push for reorganization, however.

RECOGNIZING BETHANY SMITH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Bethany Smith, a very dedicated and enthusiastic member of my Washington, D.C., congressional staff.

Bethany has served my office for 7 months, as well as serving as a staffer and intern for Congressman PETE SESSIONS. As our office scheduler, she has established a passion for working on the Hill. Bethany holds dear the people she has worked with as a Hill staffer.

My office and I greatly value Bethany's hard work and commitment. Constituents have